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★ DEC 23 2005 ★
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - x
UNITED STATES OF AMERICA :
: :
- v. - : ORDER AND JUDGMENT
: :
ALFONSO PHILIS, : 03 Cr. 919 (JBW) (JMA)
: :
Defendant. : :
: :
- - - - - x

UNITED STATES DISTRICT JUDGE

WHERAS, in accordance with the remand of the Court of Appeals for the Second Circuit, dated May 25, 2005, the Court has held a full hearing and has determined that if it sentenced the defendant under 18 U.S.C. § 3553(a), United States v. Booker, 125 S. Ct. 738 (2005), and relevant decisions of the Court of Appeals for the Second Circuit, the sentence of the Court would be the same as that previously imposed;

IT IS HEREBY ORDERED that the defendant's motion for resentencing is denied; and it is furthermore

ORDERED that the original sentence is reimposed; and it is furthermore

ORDERED that this Order constitutes an Order and Judgment, and it is furthermore

of and

ORDERED that the Court does not determine whether this Order and Judgment or the prior Judgment is the appealable document.

SO ORDERED.

Jack B. Weinstein, U.S.D.J.
December 20, 2005